THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7087 OF 2006

27th July, 2006

Between:

G. Kalyani . .. Petitioner.

And

1. The Union of India, rep. by its Secretary, Ministry of External Affairs, New Delhi.
2. The Regional Passport Office, rep. by its Regional Passport Officer, Near Clock Tower, Secunderabad. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.7087 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and Sri A. Rajasekhara Reddy, the learned Standing Counsel appearing for the respondents.

The petitioner was issued a passport bearing No.T-294226, dated 29-10-1982. It is stated that her date of birth in the said passport was wrongly recorded as 18.11.1973 whereas her correct date of birth is 18.8.1975 as per SSC record. Since the said passport expired on 28-10-1987, the petitioner made an application for a new passport along with all the required documents to the 2nd respondent. The said application was rejected by the 2nd respondent on the ground that her date of birth was mentioned in the passport as 18-11-1973, whereas in the present application for the new passport it is mentioned as 18-8-1975. Though the petitioner explained that the date of birth was wrongly mentioned in the passport which expired on 28-10-1987 and requested to issue a new passport recording correct date of birth, the respondents did not consider and orally informed the petitioner that it is necessary to obtain a declaratory order from the competent Court. Hence, this writ petition seeking a Writ of Mandamus directing the respondents to correct the date of birth in the passport bearing No.T-294226 which had already expired and for a consequential direction to issue a new passport recording the correct date of birth as 18-8-1975.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, after the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

(b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

(c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad**[1] held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** [2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of granting liberty to the petitioner to make fresh applications with relevant material for corection of date of birth in the passport bearing No.T-294226 and also to issue a fresh passport with correct date of birth within a period of two weeks from the date of receipt of a copy of this order, and if any such applications are made, the respondents are directed to receive and consider the same in accordance with the circular dated 18.04.2001 and pass appropriate orders in accordance with law and communicate the same to the

petitioner within a period of four weeks thereafter.

The writ petition is accordingly, disposed of. No costs.

(G. ROHINI, J.)

27th July, 2006.

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[1] 2003(3) ALD 625;

[2] 2004(6) ALD 360.